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ENDORSE EXISTING MARKINGS ☐
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FA or FOI EXEMPTIONS

Rome 6248

1. BEFORE TODAY'S MEETING, ITALIAN NOTE RECEIVED IN RESPONSE TO EMBASSY'S NOTE OF MAY 19 (REFTEL). COMMENTS SEPTEL. INFORMAL TRANSLATION OF TEXT FOLLOWS, OMITTING UNNECESSARY WORDS.

2. FONOFF HAS HONOR REFER EMBASSY NOTE OF MAY 19, CONTENTS OF WHICH HAVE BEEN BROUGHT ATTENTION COMPETENT ITALIAN AUTHORITIES. LATTER HAVE TAKEN NOTE OF WAHT EMBASSY HAS SAID, COMMUNICATING IN THEIR TURN THE FOLLOWING:

A) SINCE NEGOTIATIONS FOR DRAWING UP NEW AIR AGREEMENT WITH USA DO NOT PERMIT ONE TO FORESEE, IN PRESENT PHASE OF CONVERSATIONS, WHETHER WITHIN EFFECTIVE DATE OF TERMINATION OF DEMOUNCED AGREEMENT IT WILL BE POSSIBLE TO ARRIVE AT POSITIVE CONCLUSION, IT IS FELT OPPORTUNE TO CLARIFY LEGAL SITUATION IN WHICH US CARRIERS (OPERATING IN ITALY ON BASIS OF THE AIR AGREEMENT OF

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1948, DENOUNCED JUNE 1, 1966) WILL FIND THEMSELVES ON DATE OF JUNE 1, 1967.

B) ARTICLE 779 OF NAVIGATION CODE APPROVED WITH RD 30 MARCH 1942 NO. 327, ESTABLISHES THAT "INTERNATIONAL AIRLINE SERVICES CAN BE CONCEDED ALSO TO FOREIGNERS WHEN THIS HAS BEEN ESTABLISHED IN INTERNATIONAL AGREEMENTS."

1) THE INTERNATIONAL AGREEMENT THAT AUTHORIZED THE US COMPANIES TWA, PANAM, AND SEABOARD WORLD AIRWAYS, ON THE BAIS SOF RESPECTIVE DESIGNATIONS BY USG, TO CARRY OUT INTERNATIONAL AIRLINE SERVICES IN ITALY, WAS THE AGRFEMENT, ALREADY CITED, BETWEEN

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US AND ITALY OF 6 FEBRUARY 1948, RATIFIED BY DL 12 APRIL 1948 NO. 971, REGISTERED AT COURT OF ACCOUNTS 3 JULY 1948, ACTS OF GOVERNMENT, REGISTER NO. 22, FOGLIO NO. 96.

2) PURSUANT TO DENUNCIATION MADE TO USG THROUGH US EMBASSY ROME ON 1 JUNE 1966, AND ACCORDING TO ARTICLE 9, AGREEMENT WILL EXPIRE ONE YEAR AFTER NOTIFICATION OF DENUNCIATION, THAT IS 1 JUNE 1967.

3) CONSEQUENTLY, US AIRLINES MENTIONED ABOVE, BEGINNING 2 JUNE 1967, WILL NO LONGER FIND THEMSELVES WITHIN CONDITIONS OF AFORESAID ARTICLE 779 OF NAVIGATION CODE, LOSING RIGHT TO

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OPERATE INTERNATIONAL AIRLINE SERVICES IN ITALY;

C) IN ABSENCE OF BILATERAL AIR AGREEMENT, IT IS WITHIN POWERS OF ITALIAN GOVERNMENT, ALWAYS WITH REFERENCE TO ARTICLE 779 OF NAVIGATION CODE, TO GRANT A SPECIAL PERMIT OR OTHER FORM OF AUTHORIZATION, IN SENSE OF ARTICLE 6 OF CHICAGO CONVENTION OF 7 DECEMBER 1944, MADE EFFECTIVE IN ITALY UNDER DL 6 MARCH 1948 NO. 616, REGISTERED AT COURT OF ACCOUNTS, REGISTER NO. 19, FOGLIO NO. 187. CITED ARTICLE 6 STATES THAT CONCESSION OF INTERNATIONAL AIRLINE SERVICE MUST CONFORM TO TERMS OF SAID PERMIT OF AUTHORIZATION.

D) AN ESSENTIAL CONDITION OS THAT GOI CAN UNDERTAKE EXAMINATION OF GRANT OF INTERNATIONAL AIRLINE OPERATIONS IN ITALY, IN ABSENCE OF BILATERAL AIR AGREEMENT, IS PRESENTATION, ON PART OF REQUESTING COMPANY, THROUGH DIPLOMATIC CHANNELS, OF A REQUEST FOR PERMIT ("CONCESSIONE") WITH FOLLOWING DATA INDICATED:

1) EXACT NAME OF COMPANY, ITS ADDRESS, AND REPRESENTATIVE IN ITALY;

2) NATIONALITY AND NAMES OF PRESIDENT AND DIRECTORS

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("DIRIGENTI"), AS WELL AS THE COMPOSITION AND DISTRIBUTION OF ITS CAPITAL ("COMPOSIZIONE E RIPARTIZIONE DEL CAPITALE");

3) COMPLETE ITINERARY OF SERVICES REQUESTED;

4) WHETHER OR NOT A MEMBER OF IATA.

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E) THE WAY THE REQUESTS WILL BE RECEIVED WILL DEPEND ON THE OBSERVANCE OF THE PRINCIPLE OF RECIPROCITY, IN THE SENSE THAT THE CONCESSION TO THE REQUESTING COMPANY IS CONDITIONAL TO AN EQUIVALENT CONCESSION IN FAVOR OF THE ITALIAN COMPANY BY THE STATE WHOSE NATIONALITY IS POSSESSED BY THE REQUESTING COMPANY, TO THE RESPECT FOR THE LAWS AND REGULATIONS IN FORCE IN ITALY, AS WELL AS TO THE PRESENTATION, FOR APPROVAL, OF THE TIMETABLES OF SERVICES, PURSUANT TO THE DECREE OF THE MINISTER SECRETARY OF STATE FOR TRANSPORT AND CIVIL AVIATION OF 13 FEBRUARY 1967.

1) IN RELATION TO THE ABOVE, THE MINISTRY OF FOREIGN AFFAIRS NOTES THAT US AIRLINES WHO WISH TO CONTINUE INTERNATIONAL SERVICES AFTER 1 JUNE 1967 SHOULD SUBMIT THE ABOVE REQUEST, TO BE TRANSMITTED THROUGH DIPLOMATIC CHANNELS, AS WELL AS

TIMETABLES OF SERVIES. THE REQUESTS WILL HAVE TO BE DIRECTED TO THE MINISTRY OF TRANSPORT AND CIVIL AVIATION, INSPECTORATE GENERAL OF CIVIL AVIATION, BEFORE 2 JUNE. (COMPLIMENTARY CLOSE.)
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